

DEFENSE WILL BE HEARD TODAY

Attorneys for Sheets Will Ask for Dismissal of Bribery Charge.

INTERESTING POINT RAISED

DEFENDANT WILL TESTIFY IF CASE GOES TO JURY.

At the opening of the Sheets case this morning the defense will move for a dismissal of the case on the grounds that the evidence of W. W. St. Clair, alias W. W. Bell, has not been sufficiently corroborated to warrant the putting on of a defense. Under the laws of Utah, it is contended, the evidence of Bell, who is an accomplice to the crime charged, must be corroborated to such an extent that the other testimony heard in the case independent of that given by the accomplice tends to connect Sheets with the commission of the crime.

The defense will maintain that the state has failed utterly to show any connection of Sheets with the receiving of a bribe, save through the evidence of Bell. The attorneys for the defense said last night that they were confident of a dismissal of the case.

In case Judge Morse denies the motion of the defense for a dismissal, the first witness to be called by the defense will be the defendant. Chief Sheets has not explained his connection with the case at any of the hearings of the case, but testified before the city council at its investigation of the McWhirter robbery and his connection with it.

Other important witnesses who will be called by the defense in the event that the trial continues will be George Goslee, proprietor of the second hand store in which Bell said the bribe money was given to Sheets; Sergeant John Hempel and Captain John B. Barry, who will tell of the incidents that happened at the police station at the time that McWhirter and Bell came there, and several other witnesses.

May Invoke Haywood Case.

It is probable that, in case the defense is forced to give testimony in the case at the close it will ask Judge Morse to instruct the jury in terms similar to the instructions given in the case of the Haywood murder case at Boise on July 27 of last year by Judge Wood. The instructions are given with reference to the testimony of an accomplice who is believed by the attorneys for Sheets to be particularly applicable in this case. Judge Wood said:

"The jury is instructed that the witness, Harry Orchard, claims that he was an accomplice in the commission of the offense charged in the indictment under the statutes of this state a person cannot be convicted of a crime on the testimony of an accomplice unless the testimony is corroborated by other evidence which of itself and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense charged, and the corroboration is not sufficient if it merely shows the defendant in the vicinity of the crime charged."

"By corroborative evidence is meant additional evidence of a different character to the same point. The law views with distrust the testimony of an accomplice on account of the motive which he may have for laying the responsibility of his crime upon another when by so doing he may secure immunity for his own participation in the crime charged. For this reason the law exacts such corroboration and, although the jury may believe that the testimony of the accomplice is true, they may not convict the defendant upon such testimony unless they further find that the testimony of the accomplice is corroborated by other and independent evidence."

"This corroborative evidence need not be sufficient to convict the defendant, but it must tend in some degree to implicate and connect the defendant with the commission of the crime charged."

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PRESENCE OF REV. FATHER E. P. GUEYMARD

Gives Eloquent Address on Sanctity of Marriage.

ITS DISSOLUTION A CURSE

POSITION OF WOMAN DEPENDS ON KEEPING OF VOWS.

The lecture on "Marriage" by the Rev. Father Guymard in the basement of the new Catholic cathedral on Sunday evening drew an audience that was not only remarkable for numbers but for the variety in the character of those attending. Babes in arms, cooing and laughing up at young parents, tottering old men and women, straining with aged, dulled ears to catch the speaker's words, fashionably dressed matrons crowding meek little women with shabby shawls over their heads, laborers in corduroys sitting beside faultlessly dressed youths, all were represented in the thousand people who crowded into the bare, cell-like place of worship to listen not only to a gifted speaker but to the commands of the Roman Catholic church as regards one of the most important of the sacraments. The lecture and musical program were under the auspices of the Knights of Columbus, the object of which is to promote the musical program was rarely enjoyable, both solo and chorus work being exceptionally fine.

Rev. Father Guymard began his address by mentioning the quality of the membership and the purpose of the organization of the Knights of Columbus. He mentioned among the objects of the society the open and free discussion of Catholic faith, the popularizing of Catholic teaching and the breaking down of any barriers of prejudice and the dispelling of any misapprehensions that may exist in non-Catholic minds against Catholic institutions, through the practice of charitable acts, by exhibition of good feeling and kindness and by friendly relations with their fellow citizens. He then spoke of the Catholic church as a source of affection in which Bishop Scanziani had led throughout the west by Catholic and non-Catholic alike.

Coming to his subject, Father Guymard said that views on marriage which he was giving were not, strictly speaking, Catholic views, inasmuch as they might be applied as well to any Christian family without respect to creed. He said, in part:

"My dear friends, as simple as the ceremony might be, as unpretentious as poverty might make it, the union of a man and woman become united is one of the most solemn, most beautiful and in the testimony of an accomplice who is believed by the attorneys for Sheets to be particularly applicable in this case. Judge Wood said:

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REAL MARQUIS OF ANNANDALE LIVES QUIETLY IN SALT LAKE

There is a man in Salt Lake who is heir to the title and estates of the Marquis of Annandale, a Scotch peerage. He is John Johnston, father of Police Sergeant Henry Johnston.

But the Salt Lake marquis scorns titles and will not claim the peerage. Mr. Johnston is now 73 years old. He lives in Third West street, between First and Second South streets. He was born in northern New York, where the first Johnstons who came to this country lived for many generations. The correct spelling of the name is Johnstone, but the American members of the family decided that the old country spelling had too many frills for practical, every-day use and dropped the final "e."

Mr. Johnston has all his life been a man of rugged independence and tireless energy. Although he knew in his youth that he had a right to the Annandale title and estates, he gave the matter no consideration, desiring nothing that he could not earn with his hands and brain, and aspiring to no higher honor than the respect of those who knew him.

He was a "forty-niner," joining in the rush to California at the time of the discovery of gold. He later returned to New York, but his adventurous spirit prevented his remaining there as his forefathers had done, and he made other journeys to the west. He has lived in Salt Lake for several years.

From Mr. Johnston, the right to the title will pass to David Johnston, his eldest son, who is a cattleman in northern Wyoming. The second son is George Johnston, of Salt Lake, and Police Sergeant Johnston is the third.

The last Marquis of Annandale died a bachelor in 1792. In 1812, Robert Johnston, a grand uncle of the present American heir, sailed from New York to claim the title. He was lost at sea. As he was a bachelor, the right to the title passed to the grandfather of John Johnston.

"Unlike the bachelor who had perished at sea, his successor had no desire for either the title or the estates of Annandale. He remained on his farm in New York, but the records of the family were carefully kept, so that if an American member of the family ever desired to exchange his citizenship for a Scotch peerage, he could do so."

In disclaiming the Annandale title, the New York Johnstons resembled the Fairfaxs of Virginia and the Marlboroughs of England. The title of Lord Fairfax went begging in America. The sturdy American who had a right to the title refused to claim it until a few years ago, when the present Lord Fairfax gave up his position as clerk in a New York broker's office and sailed for England, where he laid claim to the title and his claim was recognized.

There is no probability that John Johnston will ever claim the Scotch peerage.

The Scotch peerage there are five marquis, Annandale, Huntley, Queensbury, Tweeddale and Lothian. There is a marquis on each of these jobs except at Annandale.

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She hurried back to the parlor and told her husband of what had occurred. He entered the kitchen and found the door open. Search was at once made for the burglar, but he could not be found. It is believed that he escaped by jumping a fence in the rear of the house, as he would have been seen had he run around the house into the street.

Nothing was missing from the kitchen or dining room. The burglar must have entered the residence a short time before Mrs. Fifield went to the kitchen and was frightened away, but he could gather together any plunder.

There are no people who appreciate the life work of Washington more than the Latter-Day Saints, for it was he that taught that great principle that should be the basis of all nations, that no man should rise against other nations in war, when man shall meet his fellow man only as a brother, and when nations shall rest over the land, and when His will shall be done on earth as it is in heaven.

"Washington conquered because God was with him and because he endured until the end. He was the father of his country, and it was the general good that he saw and not his own. In him we see that it is the greatest qualities of heart and not of the head that lead to success. It is great to be magnanimous in the hour of victory, but it is greater to be magnanimous in the hour of defeat. It was because Washington was patient in the hour of peril, distress and suffering, that he was the greatest and most loved of all Americans, not excepting the immortal Abraham Lincoln."

daily papers, from your knowledge of the scandals of divorce courts, from the recklessness with which homes are destroyed, do you not think it were wise if individuals should be made to feel that they themselves have raised, that they should be called upon to practice patience, forbearance and self-sacrifice that from this confusion and chaos should reign as a menace to society and a danger to the family?"

"Which you would rather believe when you accompany that darling sister or that child of your heart to the altar to give her with tearful eyes into other arms and another embrace, that she shall be fixed in the affections of her life and shall enjoy the peace of one who has reached the dearest goal of her maidenly dreams, or that she shall walk up a bride in whose heart already the untimely passions breed a storm that will unsettle her life until she wanders from threshold to threshold, the plaything of any man's desires to whom the winds of fancy carry her?"

"As a parting word I say to you daughters of the nation: When listening to the siren voice of a deluding liberty you shall sink into that social maelstrom, dragging your honor with you beneath the waves of passion and drowning the voice of virtue, then pause and consider approving social theories that shall unsettle you from the high throne of man's respect and esteem, when you shall have become a marketable commodity, to be bought and sold at the price of a judgment in a civil court, then it shall be too late to regret the golden rule that you women and to your mournful state these warning words of Burke depicting in an agony of sorrow the loss of civilization."

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TRYING TO TRACE POL TAX BOOKS

Jake Raleigh Says Two Men Knew Where They Were Kept.

First of All Light Weights

—absolutely essential to man's correct and comfortable dress is

The Topcoat

or Spring Overcoat that is only appreciated by him who wears one. Either that or the Cravenette is the over-garment for Now. The best of both—here.

The motive for the theft is believed to have been to get the book in order to destroy evidence tending to show any misappropriation of the funds or fraudulent accounting of poll tax receipts. Jake Raleigh said last night that previous to the theft the books had been checked up and the amounts taken off onto other books still in the street department and nothing that tended to show any crooked work had been discovered.

A circumstance from which a possible motive for the theft might be deduced is the fact that at the recent hearing before the council in its investigation of the street department it was brought out that poll tax receipts had been given persons without the city's receiving the amount of the tax either in cash or labor. George W. Jones, formerly connected with the street department, admitted on the witness stand during the investigation that he had given receipts to certain parties without getting the money or the work. By the books of poll tax receipts for the Third municipal ward it was shown that some receipts had been given taxpayers in that ward for which the department received nothing. The books of this ward, however, as they were not with the others, were not stolen.

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